

PATENT COOPERATION TREATY

PCT

WRITTEN OPINION

(Rule 66 of the PCT)

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Applicant's or agent's file reference CRE/BR 60514		Date sent; (day/month/year) NOVEMBER 27, 2003
International application No. PCT/FR03/00309		REPLY WITHIN 3 months of the sending date indicated above
International filing date (day/month/year) JANUARY 31, 2003	Priority date (day/month/year) FEBRUARY 1, 2002	
International Patent Classification (IPC) or national classification and IPC B60J7/20		
Applicant FRANCE DESIGN et al.		

- This written opinion is the first opinion of this nature drawn up by this International Preliminary Examining Authority.
- This opinion contains indications and the corresponding pages relating to the following items:
 - ☒ Basis of the opinion
 - ☐ Priority
 - ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - ☐ Lack of unity of invention
 - ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
 - ☐ Certain documents cited
 - ☐ Certain defects in the international application
 - ☐ Certain observations on the international application
- The applicant is invited to reply to this opinion

When? See the deadline indicated above. Before expiry of this deadline, the applicant can ask this International Preliminary Examining Authority to extend the deadline (see Rule 66.2.d).

How? By presenting a written response, accompanied, if necessary, by amendments, in accordance with Rule 66.3. For the form and language of the amendments, see Rules 66.8 and 66.9.

In addition: For an additional opportunity of presenting amendments, see Rule 66.4.
For the examiner's obligation to take amendments or arguments into consideration, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6.

In the absence of a response, the international preliminary examination report will be prepared on the basis of this opinion.
- The time limit for preparing the international preliminary examination report in accordance with rule 69.2 is: JUNE 1, 2004

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I. Basis of the opinion

1. Concerning the elements of the International application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, pages:

1-11 as initially filed

Claims, No:

1-11 as initially filed

Drawings, sheets:

1/4-4/4 as initially filed

2. With regard to language, all the elements indicated above were available to the Administration or were furnished thereto in the language in which the international application was filed, except when specified to the contrary under this point.

The elements were available to the Administration or were furnished thereto in the following language: , which is:

- ☐ the language of a translation furnished at the end of the international search (in accordance with Rule 23.1(b)).
- ☐ the publication language of the international application (in accordance with Rule 48.3(b)).
- ☐ the language of the translation furnished at the end of the International Preliminary Examination (in accordance with Rule 55.2 or 55.3).

3. With regard to sequences of nucleotides or amino acids disclosed in the International Application (where applicable), the International Preliminary Examination was carried out on the basis of the sequence listing:

- ☐ contained in written form in the International Application.
- ☐ filed in computer-readable form with the International Application.
- ☐ subsequently furnished in written form to the Administration.
- ☐ subsequently furnished in computer-readable form to the Administration.
- ☐ The declaration has been furnished, in which the sequence listing, that has been written and subsequently furnished, does not go beyond the disclosure made in the application as filed.
- ☐ The declaration has been furnished, in which the information recorded in computer-readable form is identical to that of the sequence listing presented in written form.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated below (Rule 70.2(c)):

(Any replacement sheet including amendments of this nature must be indicated in point 1 and annexed to this report)

6. Additional observations, if necessary:

V. Reasoned declaration under Rule 66.2.a(ii) concerning novelty, inventive step, and susceptibility of industrial application; citations and explanations supporting such declaration

1. Statement

Novelty	Claims 1, 4, 5
Inventive step	Claims 6-10, 11
Susceptibility of industrial application	Claims

2. Citations and explanations

see separate sheet

Concerning point V

Reasoned declaration in accordance with Rule 66.2(a)(ii) concerning novelty, inventive step, and susceptibility of industrial application; citations and explanations in support of this declaration

A. Declaration

A.1 Independent claim 1

Document FR 2 777 241, which is considered as being the closest state of the art, discloses (Figures 1-3) all of the characteristics of the precharacterizing portion of claim 1 (lines 1 to 21). Concerning the characterizing portion, D1 discloses locking means comprising hook-forming means ("10") pivotally mounted on the base ("11"), secured to the bodywork and adapted to engage with a complementary bearing shape (the hook "10" and the second element "12" are two complementary parts) of the first assembly element ("12") to bear against said bearing shape and guide the end of the pivoting movement of the lid to the corresponding locked position.

As a result, all of the characteristics of the independent claim are known from document FR 2 777 241. The subject matter of claim 1 is therefore not novel (PCT Article 33(2)).

A.2 Dependent claims

1. The characteristics of claims 4 and 5 are also known from FR 2 777 241. As a result, the subject matter of these claims is not novel (PCT Article 33(2)).
2. Concerning claim 6, FR 2 777 241 discloses a male element ("12") and a female second element including a cavity ("13"), said cavity being adapted to receive said male element. These elements are not wedge-shaped, however this detail (wedge shape) comes within the ambit of technical dispositions that are commonplace, which the person skilled in the art might use to solve the technical problem posed. As a result, the subject matter of claim 6 is not inventive (PCT Article 33(3)).

3. The characteristics of claims 8 and 9 have already been used for the same purpose in document EP 1 084 886 (Figures 2, 3, 5, and 6) or US 6 186 577 (Figures 1 and 3). It is obvious for the person skilled in the art to apply these characteristics to the lid disclosed by FR 2 777 241 in order to obtain an assembly corresponding to claims 8 and 9. The subject matter of these claims is therefore not inventive (PCT Article 33(3)).
4. The characteristics of claims 7 and 10 fall within the ambit of technical dispositions that are commonplace, which the person skilled in the art might use to solve the technical problem posed. Furthermore, these characteristics are disclosed in document EP 1 157 871.
5. The combination of the characteristics of claims 1 and 2 or 1 and 3 does not come within the state of the art and does not stem in obvious manner therefrom. It is therefore suggested that the Applicant prepare one or more new independent claims in order to include these characteristics therein, while taking account of the fact that the characteristic known in combination in FR 2 777 241 should be specified in the first portion of said claim (PCT Rule 6.3 b)).

These new independent claims could combine the characteristics of claims 1 and 2 or 1 and 3 or indeed 1 to 3.

A.3 Independent claim 11

The same reasoning as given in paragraphs A.1 to A.2 applies likewise to independent claim 11.

Furthermore, the characteristics of lines 5 to 10 of claim 11 are also known from FR 2 777 241 and the characteristics of lines 10 to 13 come within the ambit of commonplace technical dispositions.

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